

Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CIAE-00 COME-00 DODE-00
DOTE-00 FMC-01 INR-07 NSAE-00 CG-00 DLOS-09
OES-06 OIC-02 SS-15 NSC-05 H-01 PRS-01 PA-01
NSCE-00 SSO-00 USIE-00 INRE-00 L-03 IO-13 AF-10
ARA-06 EA-07 NEA-10 ERDA-05 INT-05 CEQ-01 EPA-01
TRSE-00 /130 W

-----121040Z 034203 /13

O R 120858Z APR 77

FM AMEMBASSY MADRID

TO SECSTATE WASHDC IMMEDIATE 9739

INFO AMEMBASSY LONDON

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LONDON HOLD FOR USDEL TO MSC

E.O. 11652: N/A

TAGS: EEWT, SENV, IMCO, PLOS, SP

SUBJECT: ADMINISTRATION INITIATIVE ON MARINE OIL POLLUTION

REF: STATE 60283, STATE 66771, STATE 79637

1. COUNSELOR FOR ECONOMIC/COMMERCIAL AFFAIRS DELIVERED ON
APRIL 11 TEXT OF PRESIDENTIAL MESSAGE TO MANUEL BARROSO
FELTRER, DIRECTOR GENERAL FOR INTERNATIONAL TECHNICAL
COOPERATION IN MINISTRY OF FOREIGN AFFAIRS. ALSO PRESENT
WAS JOSE A. DE YTURRIAGA BARBERAN, DEPUTY DIRECTOR FOR
TERRESTIAL, MARITIME AND AIR COOPERATION, WHO HAS IMMEDIATE
RESPONSIBILITY FOR IMCO AFFAIRS IN MINISTRY.

2. YTURRIAGA HAD COPY OF PRESIDENTIAL MESSAGE WHICH HAD
BEEN PROVIDED BY USDEL AT LAST MONTH'S IMCO CONFERENCE ON
SAFETY OF FISHING VESSELS IN TORREMOLINOS. ALTHOUGH GOS
HAS NOT YET STUDIED ANNOUNCEMENT IN DETAIL, YTURRIAGA
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EXPRESSED INITIAL REACTION AS GENERALLY ONE OF CONFUSION
AND CONCERN, ALTHOUGH EMBOFF POINTED OUT AND STRESSED USG
PLANS TO PURSUE SOLUTION TO PROBLEM THROUGH
INTERNATIONAL EFFORTS (PARTICULARLY IMCO), SPANISH
VIEW ADMINISTRATION PROPOSAL AS EFFORT TO ENFORCE
UNILATERALLY STANDARDS MORE STRINGENT THAN THOSE
IN THE 1973 CONVENTION EVEN BEFORE LATTER AGREEMENT HAS

COME INTO FORCE AND BEEN TRIED AND EVALUATED. ACCORDING TO YTURRIAGA, GOS IS, LIKE USG, IN PROCESS OF RATIFYING CONVENTION. SPANISH BELIEVE THAT UNILATERAL ACTION BY USG AT THIS POINT COULD HAVE NEGATIVE EFFECT ON EFFORTS TO BRING AGREEMENT INTO FORCE.

3. YTURRIAGA CLAIMED THAT ADMINISTRATION INITIATIVE IS IN BASIC CONFLICT WITH PAST USG POSITION THAT "FREEDOM OF NAVIGATION" PRINCIPLE RULED OUT RIGHT OF COSTAL STATES TO ENFORCE EVEN INTERNATIONALLY-AGREED NAVIGATION STANDARDS. AS SPANISH VIEW PRESENT INITIATIVE, USG IS NOT ONLY REVERSING THIS POLICY BUT GOING TO FURTHER EXTREME OF CLAIMING RIGHT TO ENFORCE UNILATERAL STANDARDS ON NAVIGATION. SHOULD THIS PRINCIPLE BE ACCEPTED, SPANISH FORESEE SERIOUS DETRIMENTAL EFFECTS ON WORLD NAVIGATION AS EACH COASTAL STATE ADOPTS DIFFERENT STANDARDS. EXTREME RESULT, IN SPANISH VIEW, WOULD BE COMPLETE INTERRUPTION OF WORLD SHIPPING, SINCE OBVIOUSLY SHIPS WITH SPECIFIC STANDARDS CANNOT BE DESIGNED AND BUILT FOR EACH SEPARATE COUNTRY. YTURRIAGA ALSO POINTED OUT THAT BASIC QUESTION OF RIGHT OF COASTAL STATE TO ESTABLISH AND ENFORCE HIGHER STANDARDS THAN THOSE OF INTERNATIONAL AGREEMENTS IS ONE OF PROBLEMS BEING DEBATED IN LOS CONFERENCE. ALTHOUGH YTURRIAGA DESCRIBED GOS POSITION AS "NOT COMPLETELY IN AGREEMENT" WITH USG VIEW WITHIN LOS DISCUSSIONS, SPANISH HOPE THAT MATTER CAN BE RESOLVED IN THAT FORUM AND NOT BY UNILATERAL ACTION BY US.

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4. IN ADDITION GENERAL PRELIMINARY OBSERVATIONS ABOVE, SPANISH HAD FOLLOWING SPECIFIC QUESTIONS:

-SHIP CONSTRUCTION AND EQUIPMENT STANDARDS:

IS THE PURPOSE OF THE LATE 1977 INTERNATIONAL CONFERENCE ONLY TO CONSIDER US STANDARDS DEVELOPED BY THE SECRETARY OF TRANSPORTATION, AS DIRECTED BY THE PRESIDENT, OR IS IT RATHER TO DEVELOP NEW INTERNATIONAL STANDARDS;

-SIMILARLY, WITH REGARD TO CREW TRAINING AND QUALIFICATION, IS THE INTENT TO IMPOSE UNILATERALLY DEVELOPED STANDARDS ON OTHER COUNTRIES, OR WILL NEXT YEAR'S INTERNATIONAL CONFERENCE BE AIMED AT DEVELOPING STANDARDS WHICH ARE ACCEPTABLE INTERNATIONALLY;

-WILL COAST GUARD BOARDING AND INSPECTION PROGRAM BE RESTRICTED TO US PORTS, OR WILL INSPECTIONS TAKE PLACE ANYWHERE WITHIN THE 200-MILE ECONOMIC ZONE;

-WHILE SPANISH RECOGNIZE GENERAL MEANING OF "SAFETY" REGULATIONS FOR SHIPS THEY DO NOT UNDERSTAND WHAT IS INTENDED BY "ENVIRONMENTAL PROTECTION REGULATIONS;"

-WITH REGARD TO LIABILITY, GOS HAS RATIFIED
1969 BRUSSELS CONVENTION ON LIABILITY, WHICH
REQUIRES INSURANCE OF SHIPS: WILL US ACCEPT THE STANDARDS
OF THIS AGREEMENT, OR WILL FOREIGN SHIPS HAVE TO MEET
NEWLY-DEVELOPED "SINGLE, NATIONAL STANDARD OF STRICT
LIABILITY FOR OIL SPILLS."

5. COMMENT: ALTHOUGH ECON/COMM COUNSELOR PLACED STRONG
EMPHASIS ON USG INTENTION TO ACT WITHIN INTERNATIONAL
COMMUNITY WITH REGARD MARINE OIL POLLUTION PROBLEMS,
SPANISH ARE INCLINED TO VIEW SITUATION AS ATTEMPT TO
IMPOSE UNILATERALLY DEVELOPED STANDARDS ON OTHER
COUNTRIES THROUGH IMCO MECHANISM. GOS WOULD PREFER THAT
US APPLY MAXIMUM EFFORTS AT THIS POINT TO BRINGING
1973 CONVENTION INTO FORCE, I.E. BY ENCOURAGING
RATIFICATION BY OTHER GOVERNMENTS. AFTER REASONABLE
PERIOD OF APPLICATION OF THIS AGREEMENT, EFFECTIVENESS
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COULD THEN BE ACCESSED AND THE CONVENTION MIGHT BE
AMENDED AS NECESSARY. GOS IS DOUBTFUL THAT ADMINISTRATION
INITIATIVE CAN BE EFFECTIVELY PRESENTED AND CONSIDERED
IN SUCH MEETINGS AS THE MSC OR MEPC, SINCE THESE ARE
OF A GENERALLY TECHNICAL NATURE AND MOST REPRESENTATIVES
(INCLUDING SPANISH) ARE NOT COMPETENT TO CONSIDER WIDER
ECONOMIC AND POLITICAL IMPLICATIONS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, WATER POLLUTION CONTROLS, OIL SPILLS, CARGO SHIPS
Control Number: n/a
Copy: SINGLE
Sent Date: 12-Apr-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977MADRID02725
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770126-0466
Format: TEL
From: MADRID
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1977/newtext/t19770466/aaaacfm.tel
Line Count: 147
Litigation Code IDs:
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Locator: TEXT ON-LINE, ON MICROFILM
Message ID: f946bda6-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 STATE 60283, 77 STATE 66771, 77 STATE 79637
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 09-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2833946
Secure: OPEN
Status: NATIVE
Subject: ADMINISTRATION INITIATIVE ON MARINE OIL POLLUTION
TAGS: EEWT, SENV, PLOS, SP, US, IMCO
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/f946bda6-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009